



ABAG

BAY Regional
AREA Energy
Network

"Bay Area communities working together for a sustainable energy future."

Request for Bids

Release Date: March 31, 2016

Due Date: April 15, 2016

Municipal Zero Net Energy Technical Assistance: Inquiry Responses and Clarifications

The Bay Area Regional Energy Network (BayREN) is seeking bids from qualified firms or individuals with expertise to assist local governments by **conducting engineering and cost analysis for Zero Net Energy design and implementation of municipal facilities.**

The following inquiries were received by BayREN by the associated deadline of 5:00 pm on April 8, 2016. The full bid request and this document may be found on line at <http://abag.ca.gov/contracts/ace.html>. Completed bids (including ability to obtain insurance as discussed below) must be received to codes@bayren.org by 5:00 p.m. on April 15, 2016.

Administrative

1. **Q:** Is the 12 page limit – 12 sides (six sheets of paper), or 12 sheets of paper with 24 sides?

A: The intent is for the response to be brief, the narrative should include page numbers 1-12, not 1-24. This narrative page limit does not have to include the cover page.

2. **Q:** Page 1 of the RFP asks bidders to describe their ability to obtain insurance policies described in Attachment 2. Can Attachment 2 be provided? Are there any other attachments, and can they also be provided?

A: Insurance requirements are included below and in the Attachment as filed here: <http://abag.ca.gov/contracts/ace.html>. There are no other attachments.

Insurance Requirements:

Consultant shall procure and maintain for the duration of this agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

(a) Minimum Scope of Insurance. Coverage shall be at least as broad as:

Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001).

Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).



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Workers’ Compensation insurance as required by the State of California and Employer’s Liability Insurance.

Errors and Omissions Liability insurance appropriate to the Consultant’s profession. Architects’ and engineers’ coverage is to be endorsed to include contractual liability.

(b) Minimum Limits of Insurance. Consultant shall maintain limits no less than:

General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

Employer’s Liability: \$1,000,000 per accident for bodily injury or disease.

Errors and Omissions Liability: \$1,000,000 per occurrence.

(c) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by ABAG. At the option of ABAG, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects ABAG, its officers, officials, employees and volunteers; or the Consultant shall provide a financial guarantee satisfactory to ABAG guaranteeing payment of losses and related investigations, claim administration and defense expenses. (Including operations, products and completed operations, as applicable.).

(d) Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) ABAG, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant.

(ii) For any claims related to this project, the Consultant’s insurance coverage shall be primary insurance as respects ABAG, its officers, officials, employees and volunteers.

(iii) Any insurance or self-insurance maintained by ABAG, its officers, officials, employees or volunteers shall be excess of the Consultant’s insurance and shall not contribute with it.

(iv) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days’ prior written notice by certified mail, return receipt requested, has been given to ABAG.

(v) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.



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(e) Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VII, unless otherwise acceptable to ABAG.

(f) Verification of Coverage. Consultant shall furnish the ABAG with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by ABAG or on other than ABAG’s forms provided those endorsements conform to ABAG requirements. All certificates and endorsements are to be received and approved by ABAG before work commences. ABAG reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

Technical

3. **Q:** Under Task 2, is the bidder expected to select 5-10 municipal facilities for ZNE analysis/implementation, or is the bidder expected to select and perform ZNE analysis on 5-10 municipal facilities?

A: For Task 2, BayREN anticipates the potential for limited effort from the selected consultant to help narrow a short list of 5-10 projects which would then receive the project level assistance described throughout the Scope of Work tasks. BayREN has already identified more potential municipal projects than we can serve under this budget and is currently defining criteria for selecting the best analysis candidates. StopWaste will lead this effort, but there may be some consultant support in dealing with each of the jurisdictions’ portfolio review or suggesting prototype criteria.